<u>REMARKS</u>

In an office action dated 12 July 2004, the Examiner rejects claims 1-28 all pending claims. In response to the rejections, Applicant amends claims 1, 5, 9 and 13 and respectfully traverses the rejections. Claims 1-28 remain in the Application. In light of the amendments and the following arguments, Applicant respectfully requests that the Examiner allows all of the claims and this Application be allowed.

Applicant has amended the specification to correct typographical and editorial errors in the specification. No new matter is entered by these amendments.

The Examiner rejects claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,883,956 issued to Le et al. (Le). To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The **test for anticipation** is symmetrical to the test for infringement and has been stated as: "That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983).

Amended claim 1 recites "an encrypted token operably disposed within said at least one non-volatile read/write memory and further configured to contain encrypted initialization data for enabling a desired set of cryptographic capabilities corresponding to said cryptographic chip." Le does not teach this limitation. Instead, Le merely teaches that initialization and/or configuration data is contained in a non-volatile memory. See Col. 3, lines 15-25. In Le, encrypted configuration data may be received

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from another source. However, the information is not stored in the non-volatile memory. The difference is that the initialization information of the present invention is stored in the non-volatile memory to configure the encryption chip at start up, whereas the encrypted information in Le is used to modify the encryption function while the SPU is running. Thus, the encrypted information claimed is not the encrypted information taught by Le. Therefore, Applicant requests that the rejection of claim 1 be removed and amended claim 1 be allowed.

Claims 2-4 are dependent from amended claim 1. Therefore, claims 2-4 are allowable for at least the same reasons as amended claim 1. Thus, Applicants respectfully request the rejections of claims 2-4 be removed and claims 2-4 be allowed.

Amended Claim 5 recites a method for configuring a cryptographic chip at start-up using the encrypted encryption initialization data that is recited in amended claim 1. Thus, amended claim 5 is allowable for at least the same reasons as amended claim 1. Therefore, Applicant requests that the rejection of claim 5 be removed and amended claim 5 be allowed.

Claims 6-8 are dependent from amended claim 5. Therefore, claims 6-8 are allowable for at least the same reasons as amended claim 5. Thus, Applicants respectfully request the rejections of claims 6-8 be removed and claims 6-8 be allowed.

Amended Claim 9 recites a program for providing the method for configuring a cryptographic chip at start-up using the encrypted encryption initialization data that is recited in amended claim 1. Thus, amended claim 9 is allowable for at least the same reasons as amended claim 1. Therefore, Applicant requests that the rejection of claim 9 be removed and amended claim 9 be allowed.

Claims 10-12 are dependent from amended claim 9. Therefore, claims 10-12 are allowable for at least the same reasons as amended claim 9. Thus, Applicants respectfully request the rejections of claims 10-12 be removed and claims 10-12 be allowed.

Amended Claim 13 recites a system for providing the method for configuring a cryptographic chip at start-up using the encrypted encryption initialization data that is recited in amended claim 1. Thus, amended claim 13 is allowable for at least the same reasons as amended claim 1. Therefore, Applicant requests that the rejection of claim 13 be removed and amended claim 13 be allowed.

Claims 14-16 are dependent from amended claim 13. Therefore, claims 14-16 are allowable for at least the same reasons as amended claim 13. Thus, Applicants respectfully request the rejections of claims 14-16 be removed and claims 14-16 be allowed.

Claim 17 recites a method for generating an encrypted token including the encryption initialization data recited in amended claim 1. Thus, claim 17 is allowable for at least the same reasons as amended claim 1. Therefore, Applicant requests that the rejection of claim 17 be removed and claim 18 be allowed.

Claims 18-20 are dependent from claim 17. Therefore, claims 18-20 are allowable for at least the same reasons as amended claim 17. Thus, Applicants respectfully request the rejections of claims 18-20 be removed and claims 18-20 be allowed.

Claim 21 recites a program for providing the method for generating the encrypted token recited in claim 17. Thus, claim 21 is allowable for at least the same reasons as amended claim 17. Therefore, Applicant requests that the rejection of claim 21 be removed and claim 21 be allowed.

Claims 22-24 are dependent from claim 21. Therefore, claims 22-24 are allowable for at least the same reasons as claim 21. Thus, Applicants respectfully request the rejections of claims 22-24 be removed and claims 22-24 be allowed.

Claim 25 recites a system for providing the method for generating the encrypted token recited in claim 17. Thus, claim 25 is allowable for at least the same reasons as

claim 17. Therefore, Applicant requests that the rejection of claim 25 be removed and claim 25 be allowed.

Claims 26-28 are dependent from claim 25. Therefore, claims 26-28 are allowable for at least the same reasons as claim 25. Thus, Applicants respectfully request the rejections of claims 26-28 be removed and claims 26-28 be allowed.

If the Examiner has any questions regarding this response or the application in general, the Examiner is invited to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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